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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,905	10/12/2001	Hidekazu Kamon	214727US6	8970

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

CHU, KIM KWOK

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/974,905

Applicant(s)

KAMON ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7 and 10 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8, 9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### ***Claim Objections***

1. Claim 9 is objected to because of the following informalities:

(a) in claim 9, line 9, the term "the rate of the" should be changed to --the ratio of the--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a  
printed publication in this or a foreign country or  
in public use or on sale in this country, more than  
one year prior to the date of application for  
patent in the United States.*

3. Claims 1, 7 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Doi (U.S. Patent 4,747,091).

Doi teaches a recording/reproducing apparatus for recording data in a recording medium and reproducing the data having all the elements and means as recited in claim 1. For example, Doi teaches the following:

(a) as in claim 1, measuring means 18 for measuring first data relative to the recording/reproducing apparatus (Figs. 1 and

2; first data PINMON is obtained from the measuring means 18; column 3, lines 22-28);

(b) as in claim 1, first memory means 26 for storing second data to make a decision as to an abnormal state of the measured first data (Figs. 5 and 12; column 3, lines 34-42; column 8, lines 38-55; steps S163-S167, step S680);

(c) as in claim 1, data generating means 14 for generating third data DTAADJG relative to maintenance of the recording/reproducing apparatus on the basis of the first and second data (Figs. 1 and 12); and

(d) as in claim 1, output means 12 for delivering the third data ETAADJG as an output (Figs. 1; step S660 outputs the third data).

4. Method claim 7 is drawn to the method of using the corresponding apparatus claimed in claim 1. Therefore method claim 7 corresponds to apparatus claim 1 and is rejected for the same reasons of anticipation as used above.

5. Claim 10 has limitations similar to those treated in the above rejection, and is met by the reference as discussed above. Therefore method claim 10 is rejected for the same reasons of anticipation as used above.

***Allowable Subject Matter***

6 Claims 2-6, 8, 9, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claims 2, 9 and 11, the prior art of record fails to teach or fairly suggest the following feature:

(a) the first data include a forward current value of the laser diode; the second data include the initial forward current value of the laser diode, and also data indicating the ratio of the forward current value to the initial forward current value for making a decision as to the service life of the laser diode.

As in claims 3 and 12, the prior art of record fails to teach or fairly suggest the following feature:

(a) the measuring means measures the accumulated emission time of a laser beam from the laser diode; the first data include the accumulated laser beam emission time of the laser diode measured by the measuring means; the second data include the mean time to failure of the laser diode.

As in claim 6, the prior art of record fails to teach or fairly suggest the following feature:

(a) a second memory means for storing the output value of a temperature sensor obtained at a predetermined temperature, wherein the first data include temperature data, and the measuring means measures the temperature by comparing the present output value of the temperature sensor with the prerecorded output value of the temperature sensor obtained at the predetermined temperature and stored in the second memory means.

As in claim 8, the prior art of record fails to teach or fairly suggest the following feature:

(a) the first data are measured by accumulating the emission time of the laser beam from the laser diode, and the third data are generated by comparing the second data, which represent the service life of the laser diode, with the first data.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shastri et al. (5,844,928) is pertinent because Shastri teaches a laser driver with temperature sensor on an integrated circuit.

Koike et al. (5,625,616) is pertinent because Koike teaches a deterioration estimation method for a light emitting device.

Queniant et al. (5,383,208) is pertinent because Queniant teaches a device to control the output power of laser diodes in response to ageing phenomena.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9306 (for formal communications intended for  
entry. Or:

(703) 746-6909, (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park  
II, 2021 Crystal Drive, Arlington. VA., Sixth Floor  
(Receptionist).

Any inquiry of a general nature or relating to the status of  
this application should be directed to the Group receptionist  
whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier  
communications from the examiner should be directed to Kim CHU  
whose telephone number is (703) 305-3032 between 9:30 am to 6:00  
pm, Monday to Friday.

*kc 5/5/04*  
Kim-Kwok CHU  
Examiner AU2653  
May 5, 2004

(703) 305-3032

*William Korzuch*  
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